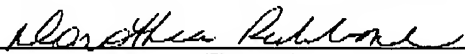


| | | | |
|--|---|----------------------------|--|
| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. RSW920030164US1 |
| Applicant(s): Jager et al. | | | |
| Application No. 10/712,625 | Filing Date November 13, 2005 | Examiner Lay, M. | Group Art Unit 2672 |
| Invention: EMBEDDED ANALYTICS IN INFORMATION VISUALIZATION | | | |
| | | | RECEIVED CENTRAL FAX CENTER FEB 15 2006 |
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| is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u>) | | | |
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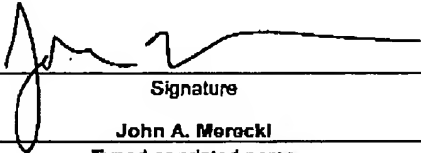
P18/REV02

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PTO/SB/33 (07/05)

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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) RSW920030164US1 | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR | | Application Number 10/712,625 | Filed November 13, 2003 |
| on _____ | | First Named Inventor Jager et al. | |
| Signature _____ | | Art Unit 2672 | Examiner Lay, M. |
| Typed or printed name _____ | | | |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. | | | |
| This request is being filed with a notice of appeal. | | | |
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| The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. | | | |
| I am the | |  Signature John A. Merackl Typed or printed name | |
| <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) | | <input checked="" type="checkbox"/> attorney or agent of record. Registration number 35,812 (518) 449-0044 Telephone number | |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ | | February 15, 2006 Date | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | | |
| <input checked="" type="checkbox"/> Total of 1 forms are submitted. | | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jager et al.
Serial No.: 10/712,625
Filed: November 13, 2003
For: Embedded Analytics in Information Visualization
Attorney Dkt. No.: RSW920030164US1
Art Unit: 2672
Examiner: Lay, M.

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PRE-APPEAL BRIEF CONFERENCE REQUEST

Sir:

Applicants request a panel of experienced Examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference program. A Notice of Appeal has been filed together with this Request.

Applicants submit that the above-identified application is not in condition for appeal because the Office has failed to establish a *prima facie* case of anticipation and obviousness based on an error in facts. Claims 1-20 are pending in this application.

In the Final Office Action, claims 1-3, 6, 8-12, and 14-20 are rejected under 35 U.S.C. 102(b) over Tsuda et al. (US 6,629,090), hereafter "Tsuda," claims 1, 7, and 10 are rejected under 35 U.S.C. 102(b) over Lobley et al. (US 5,758,026), hereafter "Lobley," and claims 4, 5, and 13 are rejected under 35 U.S.C. 103(a) over Lobley in view of Kenyon (US 6,604,113), hereafter "Kenyon." Applicants submit that these rejections are clearly not proper and without basis because the cited references, taken alone or in any combination, fail to teach or suggest each and every feature of the claims as required by 35 U.S.C. 102(b) and 103(a).

With respect to independent claim 1 (and similarly independent claims 10 and 16), Tsuda fails to disclose, among other features, at least one node configured to "perform a calculation based on values displayed by other nodes in the information visualization model." In particular,

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although Tsuda displays (see, e.g., FIG. 23) a regression tree diagram containing the results of a regression-tree-analysis, Tsuda does not teach (or even suggest) that the nodes of the regression tree diagram actually perform the calculations necessary to obtain the results, as claimed in the present invention. That is, the nodes in Tsuda's regression tree diagram are provided for result display purposes only (i.e., similar to the prior art hyperbolic tree 10 shown in FIG. 1 of the present patent application), and do not provide the calculation function provided by the present invention. Indeed, in the Final Office Action, the Examiner admits that a "calculation is performed based on the n values displayed by the child nodes and the result is displayed in the parent node. **The data-analyzing device of Tsuda calculates the data that is encompassed in the node.**" Final Office Action, page 2, Response to Arguments. Further, the Examiner asserts that a data-analyzing device (column 9, lines 17-45) performs a calculation "based on the n values displayed by the child nodes and the result is displayed in the parent node." Final Office Action, page 3. Clearly, in Tsuda, the nodes are used to display the results of calculations performed by a separate data-analyzing device.

Regarding independent claim 1 (and similarly independent claim 10), Lobley also fails to disclose, among other features, at least one node configured to **"perform a calculation based on values displayed by other nodes in the information visualization model."** In particular, although Lobley discloses the use of a hierarchical decision model (see, e.g., FIGS. 3-8), Lobley fails to teach or suggest that the nodes of the hierarchical decision model actually perform the calculations necessary to obtain the results, as claimed in the present invention. That is, the nodes in Lobley's hierarchical decision model do not provide the calculation function provided by the present invention.


Kenyon fails to remedy the deficiencies of either Tsuda or Lobley.

With regard to the Advisory Action, the Office alleges that Applicants' disclosure, particularly in paragraph [0036], states that "the calculations are not contained by the nodes themselves, but by the model structure." Based on this statement, the Office concludes that "in the current application, the nodes themselves are not actually performing the calculations as argued by Applicant. Thus, the claim limitations fail to read over both Tsuda and Lobley." Applicants submit that the Examiner has thoroughly misinterpreted the contents of paragraph [0036].

Paragraph [0036] is directed to embodiment(s) of the invention in which the particular calculation performed by a node is governed by the focus of the information visualization (IV) model. That is, the calculation performed by a node can change based on its current displayed location within the IV model. For example, as described in paragraph [0036], the calculation performed by the "Asia Pacific" Geography node 140 (FIG. 8) is set to AVG when it is not in focus, and is set to SUM when it is brought into focus. Thus, contrary to the Office's assertions in the Advisory Action, the nodes do perform the calculations.

In view of the foregoing, Applicants submit that the Office has failed to state a *prima facie* case of anticipation and obviousness, and this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution.

Respectfully submitted,



John A. Merecki
Reg. No. 35,812

Date: 2/15/06

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